

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:14-cv-00158-MR-DLH**

DONNELL EDWIN MURRAY, JR.,)
)
 Plaintiff,)
)
 vs.)
)
 MICHAEL TAYLOR FUSSELL, JR.,)
)
 Defendant.)

)

ORDER

THIS MATTER is before the Court on the Plaintiff's "Motion for Peremptory Challenge Pursuant to 28 U.S.C. § 455(a)(b)(1)" [Doc. 5] and Plaintiff's Motion to Alter or Amend the Order Pursuant to Rule 38(a)(b) FRCP 59(e)(a)(1) & FRCP 60(b)(6)" [Doc. 6].

The Plaintiff brought this action pursuant to the Federal Tort Claims Act against an officer of the Shelby City Police Department in Shelby, North Carolina. [Doc. 1]. The Complaint was filed on behalf of the Plaintiff by Shaun Chappell, who is not admitted to practice law in the State of North Carolina or any other jurisdiction.

On July 2, 2014, the Court dismissed this action *sua sponte* for failing to state a claim under the Federal Tort Claims Act. [Doc. 3]. In its Order,

the Court further advised the Plaintiff that he was not entitled to be represented by a non-lawyer in these proceedings. [Id. at 4].

Prior to the dismissal of this action¹, the Plaintiff filed a motion seeking the recusal of the undersigned “on the ground that said Judge is believed to be prejudiced against the Plaintiff in this action.” [Doc. 5 at 1]. This motion was filed on behalf of the Plaintiff by Mr. Chappell. On July 10, 2014, the Plaintiff filed a motion to alter or amend the Order dismissing this action. [Doc. 6]. This motion was also filed by Mr. Chappell, despite the Court’s clear instructions that the Plaintiff is not entitled to be represented by a non-lawyer in this proceeding.

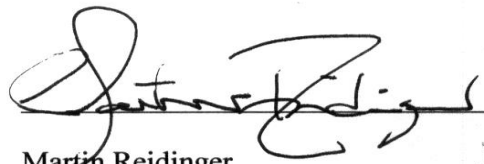
The Plaintiff was previously advised that he is not entitled to be represented by a person who is unlicensed to practice law. The Plaintiff and Mr. Chappell were further advised that attempting to represent the legal interests of anyone other than oneself, unless licensed to practice in the State of North Carolina or admitted elsewhere and specially admitted, constitutes a criminal offense in the State of North Carolina. See N.C. Gen. Stat. §§ 84-4, 84-8. The Court will not entertain pleadings filed by a lay

¹ The motion was received in the Charlotte Clerk’s Office on July 1, 2014 and received by the Asheville Clerk’s Office on July 9, 2014.

person on behalf of another. Accordingly, the present motions shall be summarily stricken from the record.

IT IS, THEREFORE, ORDERED that the Plaintiff's Motions [Docs. 5, 6] are **STRICKEN** from the record.

IT IS SO ORDERED.


Martin Reidinger
United States District Judge

